

HOUSE FILE 2116

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A BILL FOR

1 An Act relating to access to and security of employee personnel
2 files.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 8A.456, subsection 1, Code 2009, is
2 amended to read as follows:

3 1. An employee or former employee, as defined in section
4 91B.0A, subject to the provisions of this subchapter shall
5 have access to the employee's personal or former employee's
6 personnel file.

7 Sec. 2. NEW SECTION. 91B.0A Definitions.

8 As used in this chapter:

9 1. "*Employee*" means as defined in section 91A.2.

10 2. "*Employer*" means as defined in section 91A.2.

11 3. "*Former employee*" means an individual who was employed by
12 the employer, receiving wages, salary, or other compensation
13 from the employer.

14 Sec. 3. Section 91B.1, Code 2009, is amended to read as
15 follows:

16 **91B.1 Files — access by employees.**

17 1. An employee, ~~as defined in section 91A.2, or a former~~
18 employee shall have access to and shall be permitted to obtain
19 a copy of the employee's or former employee's personnel file
20 maintained by the ~~employee's employer, as defined in section~~
21 ~~91A.2~~, including but not limited to performance evaluations,
22 disciplinary records, and other information concerning
23 employer-employee relations.

24 2. However, an employee's access to a personnel file is
25 subject to all of the following:

26 a. The employer and employee or former employee shall
27 agree on the time ~~the employee may have~~ for access to the
28 ~~employee's~~ personnel file, and a representative of the employer
29 may be present.

30 b. An employee or former employee shall not have access to
31 employment references written for the employee.

32 c. An employer may charge a reasonable fee for each page
33 of a copy made by the employer for an employee or former
34 employee of an item in the ~~employee's~~ personnel file. For
35 purposes of this paragraph, "*reasonable fee*" means an amount

1 equivalent to an amount charged per page for copies made by a
2 commercial copying business.

3 Sec. 4. Section 91B.2, Code 2009, is amended to read as
4 follows:

5 **91B.2 Information provided by employers about current or**
6 **former employees — immunity.**

7 1. An employer or an employer's representative who, upon
8 request by or authorization of ~~a current~~ an employee or former
9 employee or upon request made by a person who in good faith is
10 believed to be a representative of a prospective employer of a
11 ~~current~~ an employee or former employee, provides work-related
12 information about ~~a current~~ an employee or former employee,
13 is immune from civil liability unless the employer or the
14 employer's representative acted unreasonably in providing the
15 work-related information.

16 2. For purposes of this section, an employer acts
17 unreasonably if any of the following are present:

18 a. The work-related information violates a civil right of
19 the ~~current~~ employee or former employee.

20 b. The work-related information knowingly is provided to a
21 person who has no legitimate and common interest in receiving
22 the work-related information.

23 c. The work-related information is not relevant to the
24 inquiry being made, is provided with malice, or is provided
25 with no good faith belief that it is true.

26 ~~3. For purposes of this section, "employer" and~~
27 ~~"employee" are defined as provided in section 91A.2.~~

28 EXPLANATION

29 This bill relates to access to and security of employee
30 personnel files.

31 The bill defines "former employee" and provides employees
32 and former employees with equal access to a personnel file with
33 an employer in Code section 91B.1.

34 The bill modifies the language in Code sections 8A.456 and
35 91B.2 so that the defined terms of "employee" and "former

H.F. 2116

1 employee" are used equally in reference to the security of
2 personnel information.